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ABSTRACT

An overview of some recent trends in occupational licensing is described and some of the current problems in licensing and regulation are discussed. Issues which are covered include: the proliferation of occupations which seek licensing and the opposition to these new groups by already established related occupations; the composition of licensing boards and the role of public members representing consumer interests; the accountability of the licensing boards to state legislatures and the degree of autonomy which the boards should retain; enforcement of disciplinary action against practitioners; continuing education in order to maintain competence; and the scope various occupations' practices and the infringement on these practices by emerging occupational groups. (MH)

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OCCUPATIONAL LICENSING:
NATIONAL PERSPECTIVES/TRENDS/FORECASTS

Keynote Address

By

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OCCUPATIONAL LICENSING:
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By
Benjamin Shimberg*

The Office of Professional Programs has performed an important service to the professions of this state by organizing this forum.

The topic of licensing is a timely one. Legislators in many states are concerned about the almost uncontrolled growth of licensing. Hardly a session goes by without a dozen or more groups seeking to get licensed. Legislators have begun to develop doubts about the need for so much regulation, but they feel powerless to stop it. More than 30 states have passed Sunset laws and these, too, reflect a concern about the overabundance of licensing. Legislators are asking, "Have we acted wisely in licensing so many occupations? Does the need for all this regulation still exist? Are regulatory agencies functioning in the public interest?"

The fact that such questions are being raised suggests that there has been a shift in public attitudes toward licensing. Many people working in licensed occupations are understandably concerned. They are wondering what changes are likely to emerge and what impact these changes will have on their professional practice and on their lives.

It is not very often that one gets an opportunity to examine the trends and issues in occupational regulation with an audience as diverse as this

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one appears to be. I frequently talk to leaders from professional associations, to members of state boards, to legislators and to consumer groups, but rarely are all of these groups--as well as representatives from professional schools--together in one place where they will have an opportunity to talk to one another, share their concerns, hopefully clear up misunderstandings and discover areas where there is agreement and areas where there are honest differences.

Before I get started, it might be a good idea for me to say a few words about the project on which I am presently working. For the past several years, I've been studying how various states have dealt with their regulatory problems. I've tried to serve as a catalyst, by sharing this information with officials in other states facing similar problems.

Last year the Council of State Governments asked me to work with Doug Roederer on the Council Staff to help prepare a booklet for legislators that would summarize critical issues, pose questions that legislators might wish to raise with groups seeking to become regulated, and present several case studies to illustrate innovative ways in which states are dealing with their regulatory problem. The booklet, Occupational Licensing: Questions A Legislator Should Ask, is available without charge to board members and other state officials from the Council of State Governments. Others may order the booklet for $3.50.

Two areas where our staff has found a great deal of confusion were "rulemaking" and "disciplinary proceedings". It is not only board members

who have difficulty understanding these topics, even lawyers are not clear on differences between administrative, civil, and criminal law. In any event, the ETS staff has been working with the staff of the National Association of Attorneys General to develop manuals which explain these topics to board members and others who need to understand how rules are made and how disciplinary proceedings ought to be conducted. If any of you are interested in having copies of these manuals, write to me at ETS in Princeton, New Jersey and I'll see that you get copies.

We have also spent considerable time working with consumer groups, helping them to get a better understanding of what licensing is all about and how it affects not only their pocketbook, but also the quality of their lives. Later this year we will publish a book for consumer leaders that we hope will enable them to participate in and contribute more fully to the dialogue about occupational regulation that is currently underway.

When Jean Huntley invited me to participate in your program, I asked myself what could I realistically hope to accomplish in the forty minutes or so allotted to me. What could I say that would be meaningful and useful? I decided that I would try to accomplish three things.

1. Discuss some of the concerns one hears about licensing at the national and state level. These are indicative of the changing attitudes toward occupational regulation.

2. Take up five or six of the major issues that legislators and

others involved in occupational regulation will have to deal with over the next few years. Discuss ways that some of these problems are being dealt with in other states and what some of the options are.

3. Finally, if there's time, look into a crystal ball to see what the future holds for occupational regulation.

Let us talk first about some of the concerns and criticism that one hears about licensing.

Not many years ago, if you were to ask the proverbial man-in-the-street why we have licensing, he would probably have replied without much hesitation, "To protect the public from incompetents and charlatans." Most people viewed licensing as a form of consumer protection. Licensing boards existed to check on the qualifications of applicants, to test them for competence, to monitor their practice to make sure they adhered to accepted professional standards, and to discipline those who got out of line--either because they were negligent or incompetent, or because they were dishonest or unethical.

That view began to change in the early 70's as a result of several developments that came in rapid succession. No single event by itself is likely to have had a major impact in the public's attitude toward occupational licensing, but the cumulative effect of these events has has a greater impact than anyone would have imagined at the time.

Some of you undoubtedly recall Lewis Engman, Chairman of the Federal Trade Commission during the Nixon years. Mr. Engman probably has more to do with changing attitudes toward licensing than anyone else. Engman felt there was altogether too much regulation in the United States. He favored deregulation of the air lines, the trucking industry, and other sectors of the economy where regulation had tended to stifle competition.

Occupational licensing became one of his major targets. He launched a wide scale study to determine whether certain licensing boards were responsible for anti-competitive practices. He was especially interested in boards that regulated prescription drugs, eyeglasses, and funerals. These investigations produced a number of reports and some of these in time, led to the promulgation of trade rules that sought to prohibit certain anti-competitive practices--notably restrictions on price advertising. But the significant thing about Engman's involvement was not the rules themselves, but what as Chairman of the FTC he said about the way in which regulatory boards had been using their rulemaking power. He charged that they were using their authority to promote their own interests rather than those of the public.

At about the same time the Anti-Trust Division of the Department of Justice entered the picture. They alleged that certain professional associations and licensing boards were violating Federal Anti-Trust laws by sanctioning anti-competitive practices such as prohibition against competitive bidding. Many association by-laws and board rules characterized competitive bidding as "unprofessional conduct", so a practitioner who

engaged in competitive bidding risked being expelled from the professional association and also losing his or her license to practice. In 1978, the Supreme Court ruled that such prohibitions were unconstitutional.

There were at least two other cases in which the Supreme Court made important rulings that related to licensing. In one case brought by a consumer group against the Virginia Board of Pharmacy, the Court ruled that licensing boards could not prohibit price advertising because such prohibitions violated the free speech guarantee of the U.S. Constitution. In another case, two attorneys named Bates and O'Steen challenged a rule of the Arizona Bar which prohibited advertising by lawyers. They also won on the first amendment grounds.

Requirements used in screening applicants also came under scrutiny. In a study I conducted in the early 70's, I noted that requirements such as citizenship, residence, years of schooling, and even good moral character often bore no relationship to the job, yet such requirements had been used by boards to exclude otherwise qualified applicants. I also noted that training and experience requirements, although job related, were sometimes excessive and could be abused.

The quality of tests used for licensing also came in for criticism. In my studies, when I was able to examine the tests used by state boards, I often found poorly written, ambigious, even tricky questions. A study by Professor Elton Rayack, an economist at the University of Rhode Island, also served to raise doubts about the way in which tests were being used

by some boards. He studied about a dozen occupations in the three New England States, and found that when employment was high, so was the passing rate on tests. But when employment fell, so did the passing rate. It would appear, from his data, that some boards were using the licensing exam to adjust the supply of practitioners to meet the demand.

It is only in the past few years that consumer groups have begun to show an interest in licensing or to express concerns with regard to licensing issues. However, now one hears with increased frequency charges that licensing boards are insensitive and unresponsive to complaints from the public; that they look after the interests of the regulated group; that they are reluctant to do anything about practitioners who are incompetent or who cheat the public. The press has carried numerous reports about the failure of boards to crack down on incompetent or dishonest practitioners. Such reports have fueled the consumer's interest.

With the cost of health care skyrocketing licensing boards are also being blammed for hindering the use of paraprofessionals and other types of auxiliary personnel who might be able to provide essential health services at a lower cost than full fledged professionals. The debate over denturists, which culminated in the Oregan referendum last fall, is a good example of this controversey. There are other emerging groups which charge that they are being prevented from rendering services by already licensed professions.

As you can see, the catalogue of charges against the licensing establishment is a long one. In the space of a few short years, the public

perception of licensing boards has shifted dramatically. They used to be viewed as protectors of the public. Today, many people view them as protectors of special interests.

In Defense of Boards

In defense of boards, I want to say that many of the criticisms and concerns that I have mentioned apply to only a small fraction of all boards. Yet the publicity accorded allegations of impropriety or abuse has tended to tarnish the image of all boards.

A moment ago, I referred to the criticism of boards for failure to deal more forcefully with consumer complaints. Boards reply, with some justification, that they were not set up to function as small claims courts or to settle disputes over fees or workmanship. In the area of discipline, boards frequently point out that they are hampered by a lack of investigators and attorneys. Many boards being criticized have repeatedly asked the legislature for funds to enable them to do a better job of enforcement, but the legislature has not responded. Indeed, legislators often take money collected by boards and divert it to other purposes, leaving boards with responsibility, but without adequate funds to do what they are supposed to do. I can sympathize with boards that have tried to regulate occupations in the public interest, despite the obstacles placed in their path by legislative indifference and administrative red tape. However, not all boards being criticized fall into this category. There are some that lack the will or determination to take strong disciplinary action against fellow practitioners.

It is these boards that generate suspicion and distrust of all boards.

The public usually hears about the negative aspects of licensing: things boards have failed to do or have done poorly; instances where a board has abused its power. Seldom does one hear about boards that are doing their jobs conscientiously day-in and day-out.

Board members are often portrayed by critics as greedy and self serving. Nobody mentions the long days that members devote to board business or the professional income they must forego for the privilege of serving. I am convinced that the vast majority of board members derive no personal gain from their service and get very little thanks for their efforts.

Serving on a regulatory board is not for the thin-skinned. It has never been an easy assignment and it is not going to get any easier in the years ahead. Consider the impact that Sunset laws will have on boards. Each board scheduled for a Sunset review will have to justify its existence to the legislature. Unless they can convince the legislature that the need for regulation still exists and that the board has been operating in the public interest, the legislature may allow the board to go out of existence. Frankly, I do not anticipate that Sunset will lead to the wholesale abolition of boards. But every aspect of a boards activity is likely to come under close scrutiny. Board members will find themselves in a fish bowl.

In a recent paper I suggested that boards prepare for Sunset review by conducting self audits during which they would ask themselves the same tough

questions that a legislative oversight committee might ask. I listed questions in ten areas that boards should be prepared to answer. If any of you would like copies of that paper, just drop me a note at ETS and I'll be glad to send it to you.

In a number of states where Sunset reviews have been conducted, legislators have become aware of problems and issues that seem to recur, problems that apply to a number of boards. These involve such matters as enforcement and discipline, accountability, and the continued competence of professionals. They have also been concerned with the proliferation of licensing and with the way in which boards are constituted.

In the time remaining, I'd like to take up some of these broad issues and examine ways in which they are being dealt with by various states.

Proliferation.

Sunset has made many legislators aware of how difficult is is to deregulate an occupation once it has been granted licensure. Many of them are taking a more "hard nosed" attitude toward licensing new occupations. They are asking tough questions and requiring those seeking regulation to document the need. In some states after need has been demonstrated, legislators have adopted the maxim "If you must regulate, choose the minimum level of regulation that will do the job". Consideration is being given to less restrictive modes of regulation, such as registration or certification. Because licensing is the most restrictive form of regulation, it is being reserved as the remedy of last resort.

I believe the Substitute House Bill 315 reflects this point of view. The questions are designed to ascertain the need for regulation and to assure the legislators that all alternative methods have been explored. The law also places the burden of proof on the applicant group to show why some method of regulation less restrictive than licensing would not be adequate to deal with the problem.

It may be of interest that at least two states have mechanisms that go beyond the provisions in Substitute Bill 315 in dealing with the matter of proliferation. In Virginia and Minnesota commissions have been established, outside of the legislative framework, to evaluate all new requests for regulation. The procedures adopted by these states seem to recognize that legislative committees seldom have adequate staff or enough time to study new requests for licensure in as much detail as required. As a result, some groups have managed to get licensed when, perhaps, they should not have been.

In Minnesota, each health or human service group seeking to become regulated must complete a detailed questionnaire covering many of the same questions as are found in Substitute Bill 315. Members of the Commission Staff actually work with tha applicant group to be sure that answers to all questions are complete and adequately documented. Completed questions are considered public documents and are distributed to all parties of interest, including groups that may be opposed to granting the new group regulated status. All parties are encouraged to study the application and to submit comments in writing. The fact that answers to questions recieve such

careful scrutiny has served to inhibit the tendency of some applicant groups to exaggerate how bad things are or to make extravagant claims regarding anticipated benefits. The Commission may also hold public forums around the state in order to clarify issues in dispute.

I think it is significant that in both Virginia and Minnesota there has been a marked decrease in the licensing of new groups, since the screening procedures were put into effect some five years ago.

Composition of Boards

There are valid historical reasons why legislators granted self regulatory powers to groups that they licensed during the 19th and early 20th century. Leaders of the occupational groups were usually the ones who had sought licensing and it was only natural that the legislature would call on these same leaders to implement the law once it was enacted. That's how the tradition was established that boards would consist predominately, if not exclusively, of members of the regulated group. It was felt that only professionals were qualified to make judgments about entrance standards, examination content, rules of professional conduct, or disciplinary matters.

Consumers are now challenging this view. They argue that since regulation affects their vital interests they have a right to share in the decision making process. There has been a growing movement to place lay persons on regulatory boards in order to provide a point of view that would otherwise be absent from boards composed entirely of license holders. At last count, 31 states had public members on one or more boards.

The issue no longer seems to be, "Should there be public members on boards?", but rather, "How many?" In most states the number tends to be small--only one or two per board. However, in California public members make up a majority of all boards except accountancy and the health related boards.

At one time it was thought that anyone not a member of the licensed profession was qualified to be a public member. However, it is becoming increasingly clear that if the public member concept is going to work, a great deal of thought needs to go into recruiting, orienting, and providing support to public members. The Consumers Council in Maryland--a Division of the Office of the Attorney General--has just developed an excellent training program for public members and it is available to other states.

Accountability

When legislatures created licensing boards they usually granted them a high degree of autonomy. My dictionary defines autonomous as "Independent. Subject to its own rules".

In establishing autonomous boards, legislators nearly always delegated to these boards rulemaking authority. Thus, in order to implement the statute, the board could set standards for entry, defining acceptable practice standards, and declare what types of behavior would be considered "unprofessional". Boards also had power to decide what would be on the exam, to set the passing score, and decide whether training offered in another state

could be considered "comparable" to that offered in their own state.

Board decisions, as a rule, are not subject to review. The courts will usually refuse to intervene as long as a board is acting in conformity with statute and has not violated due process.

In view of their very substantial powers, it is reasonable to ask, "To whom are such boards accountable?" Technically, they are accountable to the legislature. But with legislators overburdened with more pressing concerns, little if any significant oversight of likely to be exercised except in response to serious compiaints from constituents. Critics say that the lack of adequate accountability led to many of the abuses now coming under scrutiny. They say that some of these abuses might not have occurred had board actions been subject to closer oversight. Although most boards must conform to some type of administrative practices act--as in rulemaking--the procedures tend to be pro forma with little imput from the public.

For a while the creation of umbrella agencies appeared to offer a solution. Now, at least, all boards would be in one place, under the eye of an administrator. In retrospect, this solution has often turned out to be illusory because the impetus behind the creation of umbrella agencies was usually greater efficiency not greater accountability. Many agencies did little more than provide housekeeping services. They could not function as an effective accountability mechanism because the Directors frequently

lacked authority to question board actions or to intercede on substantive matters. Thus under the umbrella arrangement, most boards' have managed to retain their essential autonomy.

There is now activity in a number of states to reduce the autonomy of boards in an effort to make them more accountable. There are two states that I know of where boards are strictly advisory. In these states boards function pretty much as boards do elsewhere, with one important difference, the boards do not have final decision making authority. In Illinois the Director of the Department of Education and Registration can overturn a proposed rule or other action of a board if she does not feel it is in the public interest. She is the sole judge of what is and is not in the "public interest." In New York State, all licensing decisions are made by the Board of Regents--a lay body of 15 citizens who are appointed by the legislature and who serve seven year terms. Recommendations from boards are usually evaluated by the staff of the Division of Professional Licensing in the State Department of Education. The staff may support the boards' recommendation, oppose it, or suggest modifications. In any event, the Regents weigh the arguments of the board, consider the views of its own staff, and then make the final determination. Here it is a lay body that determines what is the "public interest." I understand that this system has been in existance for about 50 years, so it is not exactly an innovation.

A number of state legislatures have considered proposals to reduce the autonomy of boards. Some wanted to make boards advisory, as in Illinois and New York, others favored semiautonomous boards, with their decision

making power limited by some system of checks and balances. In Florida, for example, the legislature is considering a bill that would give the Secretary of the Department of Consumer Affairs and Professional Regulation the right to challenge any rule which she considers an involved exercise of delegated authority or which

- does not protect the public from any significant and discernable harm or damage
- unreasonably restricts competition or the availability of professional services in the state or
- unnecessarily increases the cost of professional services without a corresponding or equivalent public benefit.

The determination as to whether a proposed rule or any part of a rule is invalid will be made by a hearing officer after both sides have presented their arguments.

I should point out that board officials and association representatives are understandably concerned about efforts to reduce the autonomy of boards. They say that by-and-large, boards have operated in the public interest and that instances of abuse are minimal considering the number of boards and the complexity of the issues facing them. Nevertheless, the question of board autonomy is likely to be an issue whenever regulatory reform is under consideration within a state.

Enforcement and Discipline

Enforcement has been characterized as the weakest link in the regulatory chain. Historically boards have devoted considerably more attention to their screening function than to their disciplinary function. The number of licenses suspended or revoked has been relatively small, leading many people to conclude that boards made up of members of the occupational group lack the capacity or the will to act vigorously against fellow practitioners. However, as we noted earlier, some of the fault may lie with the legislatures which have sometimes failed to make adequate funds available dispite repeated requests from boards for resources to strengthen their enforcement efforts.

It has been proposed that the enforcement activity be taken away from the various boards and placed in a central agency. However, centralizing enforcement is no panacea unless it is accompanied by a commitment to provide resources adequate to the job.

The major argument for centralized enforcement is that a corps of trained investigators can do the job more efficiently and more effectively than it can usually be done by investigators working for a single board. There is also less likelihood that board members will get involved in an investigation when they shouldn't or that complaints will be settled informally when they should be prosecuted.

Whether licensing is centralized or left with the individual boards, I feel very strongly that legislators must show greater support for

enforcement activity than they have in the past. If licenses are granted by society to protect the public, society should also be able to take away licenses when such action is necessary to protect the public. The licensee whose livelihood is at stake is entitled to due process, but the people are also entitled to protection against incompetents, negligent or dishonest practitioners. That is why I favor giving regulatory agencies adequate resources to resolve disciplinary matters as expeditiously as possible.

Continued Competence

Consumers have always taken it for granted that licensing boards kept track of those whom they had licensed to make sure that they maintained their competence. It therefore comes as something of a shock to discover that once a person has been licensed, he or she is usually licensed for life. Licenses are renewed upon payment of a fee. No check is made at the time of renewal, or at any other time, to make sure that the licensee is still qualified to practice in a safe and effective manner.

Most professionals of their own volition strive to maintain their competence. They do so out of enlightened self-interest and out of a desire to provide high quality service to their patients or clients. However, not all practitioners keep up to date. Some--perhaps only a small minority--get very busy and find that they can get by on what they learned in school years ago. Those who use the services of licensed practitioners have no way of knowing whether the practitioner they are seeing is in the former category or the latter.

A number of states have passed legislation making some specified number of hours of approved continuing education courses a consideration of license renewal. The underlying assumption would appear to be that by requiring participation in continuing education programs, the licensee will somehow be forced to keep up to date. Thus, increasing the likelihood that he or she will remain competent.

I'm heartily in favor of voluntary continuing education, but I have serious doubts about the mandatory approach. The practitioner who has been avoiding voluntary programs isn't likely to change his attitude overnight. To satisfy the requirement he may take the course of least resistance, and look for an easy way to acquire the necessary credits. The present system doesn't require that there be any relationship between the continuing education courses a practitioner takes and his areas of weakness. It is relatively easy to beat the system. One takes courses that are convenient or easy, even though they may not be especially relevant. You can be sure of one thing though, very few incompetents will have their licenses revoked for failing to meet the mandatory continuing education requirement.

It has also been suggested that all licensees be reexamined periodically to make sure that they have maintained their competence. Some of the medical specialty boards have optional reexamination and a few--such as the American Board of Family Practitioners--have made such exams mandatory as a condition of remaining certified.

There is not time to go into all the pros and cons of mandatory

reexamination for relicensure, but I personally feel it will be a long time before we have assessment techniques sufficiently precise and sufficiently sensitive so that we can use them with confidence to take away a licensees' right to practice.

Several years ago when I was visiting licensing officials in California, I recall having a long discussion about the merits of mandatory continuing education and mandatory reexamination with Mike Krisman, who is the Deputy Director of the Department of Consumer Affairs. He pointed out that both of these approaches suffered from a common fault: they applied to all licensees, yet the number of incompetent practitioners is probably quite small--perhaps no more that 10-15 percent. He said it was grossly inefficient and not a good use of resources to keep continuing education records on everyone, or to retest everyone, when only a small proportion of the total group was likely to be incompetent. He argued that neither of these approaches was likely to take more than a handfull of incompetents out of circulation, if that many.

So I asked Mike Krisman what he saw as the solution. He said, he'd put his money into vigorous enforcement as the best way to root out incompetents.

The more I've thought about his idea, the more certain I am that he is right. Others seem to think so too, because a lot more attention is being paid to identification of licensees who are potentially dangerous.

How does one find such licensees? Some states now require insurance companies to report all malpractice claims when they are filed instead of waiting until the claim is settled. That could take years. Some states require hospitals to notify a board when a licensee's privileges have been revoked. Several states have sought to encourage the public to register complainst by establishing 800 telephone numbers. Illinois and New York, for example, are willing to accept complaints, even from anonymous sources. There is no presumption of incompetence or wrongdoing associated with any of these efforts. It is merely a way to establish a file on individual practitioners. If a licensee is involved in many malpractice suits, if he has lost his hospital privilege, if there are allegations of dishonesty lodged against him, the investigative unit can check out the charges to determine whether there is any basis for disciplinary action. By focusing available resources on a relatively small number of high risk practitioners, there is greater likelihood of catching incompetents or bad actors, than by relying on continuing education or some type of reexamination system.

Scope of Practice

There is one additional problem area that bears watching. This relates to scope of practice. I sense increasing tension between already licensed groups that have staked out their scopes of practice and emerging groups that want a peice of the action. This controversey also relates to the issue of proliferation. When a new group finds that it cannot practice legally without encroaching on another group's "turf", it may seek a licensure act of its own.

One aspect of the scope of practice controversey relates to the decision making process. Who is qualified to decide whether or not a new group can deliver services in a safe and effective manner? Can we rely on dental boards to pass judgment on the qualifications of denturists? Can we rely on ophthalmologists and optometrists to render an objective verdict about the qualifications of opticians for fitting contact lenses? When such already established groups decide against the newcomer group, the suspicion remains that economic considerations may have entered into the determination. But what is the alternative? Is it better to submit such technical questions to the public in a referendum as was done on the denturism question in Oregon?

The Federal Trade Commission thinks it has come up with a better way. It is seeking to determine how successful each of the groups has been in fitting contact lenses. Is there, in fact, evidence that opticians do an inferior job?

To carry out the study, the FTC first had to get agreement among various segments of the eye care delivery system on standards. That is, what constitutes a properly fitted contact lens? How can one tell when a lens is not properly fitted? The FTC managed to get substantial, if not perfect, agreement on these questions.

As the next step, the FTC identified a large population of contact lens wearers who had been fitted by different providers. Some had been fitted by ophthalmologists, some by optometrists, some by opticians,

Each of the contact lens wearers who agree to participate in the study will be examined by three experts--an outstanding practitioner from each delivery system. The examiners have recently completed training in data collection procedures and field work will commence next month. The study is expected to take three months.

When the data have been analyzed, the FTC will decide whether there is a basis for federal regulation, whether there might be a basis for joint state and federal action, or whether the determination should be made entirely at the state level. In any event, FTC plans to make its findings, available to state legislators so that they will have objective data in hand to consider along with the more subjective recommendations of various professional groups.

The contact lens study is only one of several that the FTC is either planning or already has underway. There are at least two studies planned for the dental field. One deals with the role of denturists in the dental care delivery system. Here, as in the contact lens situation, an effort will be made to judge the quality of denture fittings against a standard.

Another study deals with the use of dental auxiliaries. The FTC will be looking at alternative delivery systems, such as high volume clinics which make maximum use of auxiliaries. The question they will be examining is whether the quality of dental work suffers in the higher volume operation as compared with that provided in the more traditional low volume operation.

The FTC will also be looking at the role of nurse practitioner, the nurse anesthetist, and nurse midwives in the health care delivery system. The FTC will be asking, "Should these nursing specialists be given greater freedom than they now enjoy in competing for the health care dollar?"

These studies by the FTC seem to represent a shift by that agency from a strategy of compiling voluminous documentation regarding anitcompetitive practices and other abuses in various occupational fields, to a strategy of compiling objective comparative data on the efficacy, cost effectiveness and quality of different health care delivery systems.

If these studies are methodologically sound, if they are conducted in an objective manner, and if the findings stand up under scrutiny, it will be interesting to see what impact they actually have on decisions of regulatory boards and on the actions of legislative bodies.

All of the issues that I have raised this morning are difficult and complex. How they are resolved will depent on a variety of factors, some of which you will be able to control, others which may be beyond your control.

My goal has been to make you aware of the issues and of the forces for change at work in our society. Some of you may feel that the present system is satisfactory and doesn't need to be changed. Others may favor radical changes, perhaps even the abolition of boards altogether.

I hope that our discussion today will lay the ground work for a continuing dialogue out of which may emerge new patterns of regulation that will preserve what is best from the past and put into place innovation that will serve the interests of both the public and the professions in the future. What we are all seeking, I believe, is a system that can deal quickly, creatively, and responsibly with the challenges that lie ahead in the 80's and 90's and even into the 21st century.

Thank you!